

DURHAM, NORTH CAROLINA  
MONDAY, June 4, 2001  
7:00 P.M.

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Absent: Council Member Blyth.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Tennyson called the meeting to order and at that time, City Clerk D. Ann Gray swore in Patrick Hannah as a member of the Durham Area Transit Authority.

Mayor Tennyson swore in Marcia L. Conner as the new City Manager.

Council Member Wagstaff congratulated Shamika Williams for being nominated by Southern High School to participate in a basketball tournament in July in Hawaii for 10 days. Also, Shamika Williams read a statement requesting financial support to help make this dream a reality.

Council Member McKissick commented on his attendance at Edible Arts on yesterday thanking everyone involved for their work.

Council Member Stith stated he spoke at the graduation at North Carolina School of Science and Math.

Council Member Langley announced that she will be speaking at Holt Elementary School on tomorrow at 7:30 a.m. and congratulated Shamika Williams.

Council Member Jacobs noted she participated in Edible Arts and the next Public Works Committee will meet on June 11 at 3:00 p.m. in the Committee Room.

Council Member Hill read a "Resolution Memorializing Alphonso Al Mann".

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk. There were no items.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to add an item to the agenda and to go into a closed session after the regular meeting of Council for the consideration of a contract for the City Manager was approved at 7:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**June 4, 2001**

Relative to Consent Item# 5 [2001 CERTIFICATES OF PARTICIPATION (COPS)], Nav Gill, Finance Director, briefed Council on this item and noted that a full report will be given at the July 16, 2001 City Council meeting.

Mayor Tennyson noted revisions to the Consent Agenda made at the Committee-of-the-Whole Meeting. Mayor Tennyson asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. [No additional items were pulled]

**MOTION** by Council Member Larson seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**[CONSENT AGENDA]**

**SUBJECT: BID - POLICE DEPARTMENT ASSESSMENT CENTER - MORRIS & MCDANIEL, INC.**

**MOTION** by Council Member Larson seconded by Council Member Stith to accept the bid from Morris & McDaniel, Inc. and to authorize the City Manager to enter into a contract with Morris & McDaniel, Inc. in the amount of \$50,000 for the Police Department Assessment Center; and

To authorize the City Manager to modify the contract prior to execution provided that the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: BID - POLICE DEPARTMENT TRAINING SIMULATORS - DORON PRECISION SYSTEMS**

**MOTION** by Council Member Larson seconded by Council Member Stith to accept the bid from Doron Precision Systems and to authorize the City Manager to enter into a contract with Doron Precision Systems in the amount of \$179,583 for the simulators; and

To authorize the City Manager to modify the contract prior to execution provided that the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff.

**June 4, 2001**

Noes: None. Absent: Council Member Blyth.

**SUBJECT: PROPOSED SALE OF CITY TRACT #1016 (RUSKIN AVENUE) DURHAM COUNTY TAX MAP 408-05-005 - BRYANT ROBERTS**

**MOTION** by Council Member Larson seconded by Council Member Stith to declare City Tract #1016 surplus; to propose to accept Bryant Roberts' offer of \$8,500 to purchase City Tract #1016; to authorize the City Manager to advertise and sell the property under the authority of N.C. General Statute 160A-269, the upset bid procedure; and, if no valid higher upset bids are received, to accept Bryant Roberts' offer and authorize the Mayor to convey the property to Bryant Roberts for \$8,500 by a non-warranty deed was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: PROPOSED EMINENT DOMAIN PROCEEDINGS FOR ADVANCED ACQUISITION OF STORM DRAINAGE EASEMENT ON PROPERTY OF ADA TRAYLOR, 1021 AKRON AVENUE, TAX MAP 408-05-005**

**MOTION** by Council Member Larson seconded by Council Member Stith to find that it is necessary in the public interest and for the public use and benefit to begin Eminent Domain proceedings for a drainage easement containing approximately 3,030 square feet across property of Ada Traylor, 1021 Akron Avenue, Tax Map 408-05-005 as shown on the Boundary and Location Survey, a portion of the American Tobacco Trail, dated October 12, 2000, prepared by Riley Surveying, P.A., and to authorize the City Attorney to initiate proceeding for that purpose, with a deposit into court of \$1,592 as the City's estimate of just compensation was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: 2001 CERTIFICATES OF PARTICIPATION (COPS)**

**MOTION** by Council Member Larson seconded by Council Member Stith to adopt a "Resolution of the City of Durham, North Carolina Approving an Installment Purchase Contract with New Durham Corporation and Related Matters" was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Resolution #8774**

**SUBJECT: BID REPORT FOR THE MONTH OF FEBRUARY 2001**

**June 4, 2001**

**MOTION** by Council Member Larson seconded by Council Member Stith to approve and record in the minutes the following bids and items displayed which were acted upon by the City Manager during the month of February 2001 was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**CITY OF DURHAM NORTH CAROLINA**

April 4, 2001

MEMO TO: Gregory A. Bethea  
Interim City Manager

THROUGH: Navdeep S. Gill  
Finance Director

THROUGH: Kenneth C. Pennoyer  
Assistant Finance Director

FROM: Joseph W. Clark  
Purchasing Manager

SUBJECT: Bid Report

To approve and record in the minutes bids which were acted upon by the City Manager during the month of **February 2001**.

Apparatus, Supplies, Materials, Equipment, Construction, and Repairwork:

**1. Bid: 2001 Bimbe Festival Event Planner**

Purpose of Bid: To provide an Event Planner to assist the Parks and Recreation staff in planning and organizing the 2001 Bimbe Cultural Arts Festival.

Comments: The Parks and Recreation Department handled this bid.

Opened: N/A

Bidders: The Events Group \*\$12,000.00  
Durham, NC

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by The Event Group of Durham, NC to determine compliance with the Minority and Women Business Enterprises Ordinance.

M/WBE consultant firms were given an opportunity to submit a proposal.

The workforce statistics for The Event Group are as follows:

**June 4, 2001**

Total Workforce	1	
Total # of Females	1	100%
Total # of Males	0	0%
Total # of Black Males	0	0%
Total # of White Males	0	0%
Total # of Other Males	0	0%
Total # of Black Females	1	100%
Total # of White Females	0	0%
Total # of Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

**2. Bid: Fund Development and Sponsorship Management**

Purpose of Bid: To provide the Parks and Recreation Department in conjunction with the Human Relations Department to combine events in a joint fund development venture.

Comments: The Parks and Recreation Department handled this bid. The contractor proposes to work with both departments in developing sponsor relations and expanding fundraising opportunities for the following events: The International Festival, The Bimbe' cultural Arts Festival, The July 4<sup>th</sup> Celebration, and the Concert in the Parks Series.

Opened: N/A

Bidders: R. B. Wynn Consultants, Inc. \*\$20,600.00  
Durham, NC

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by R. B. Wynn Consultants, Inc. of Durham, NC to determine compliance with the Minority and Women Business Enterprises Ordinance.

M/WBE consultant firms were given an opportunity to submit a proposal.

The workforce statistics for R. B. Wynn Consultants, Inc. are as follows:

Total Workforce	1	
Total # of Females	1	100%
Total # of Males	0	0%
Total # of Black Males	0	0%
Total # of White Males	0	0%
Total # of Other Males	0	0%
Total # of Black Females	1	100%
Total # of White Females	0	0%
Total # of Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

**June 4, 2001**

**3. Bid: Outside Air Modifications at the Police Department Headquarters**

Purpose of Bid:

Comments: Bids were solicited by the Property and Facilities Management Department.

Opened: January 25, 2001

Bidders:	Hockaday Mechanical Corporation *	\$63,930.00
	Garner, NC	
	Carolina Air Conditioning	\$73,430.00
	Durham, NC	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the proposal submitted by Hockaday Mechanical Corporation, Inc. of Garner, North Carolina to determine compliance with the Minority and Women Business Enterprises Ordinance.

There were no Minority or Woman Business Enterprises that provided a proposal for this project.

Consolidated Corporate statistics for Hockaday Mechanical Corp. are as follows:

Total Workforce	27	
Total # Females	1	4%
Total # Males	26	96%
# Black Males	3	11%
# White Males	23	85%
# Other Males	0	0%
# Black Females	0	0%
# White Females	1	4%
# Other Females	0	0%

Performance Bond: ☐ Waived ☒ Not Waived ☐ Not Required

**4. Bid: City Hall Courtyard Garden**

Purpose of Bid: To landscape the new courtyard area of City Hall

Comments: Bids were solicited from several bidders and only one response was received. Tarheel Lawn & Building Maintenance is certified by the City of Durham as a Minority Business Enterprise.

Opened: February 1, 2001

Bidders:	Tarheel Lawn & Building Maintenance	* \$14,938.35
	Raleigh, NC	

\*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

**WORKFORCE STATISTICS**

June 4, 2001

CORPORATION STATISTICS

Total Workforce	27		# Black Males	11	41%
Total # Females	10	37%	# White Males	1	4%
Total # Males	17	63%	# Other Males	5	18%
			# Black Females	9	33%
			# White Females	1	4%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**5. Bid: Perkin Elmer Annual Service Maintenance Agreement**

Purpose of Bid:

Comments: To provide the South Durham WRF machinery with the annual maintenance agreement.

Opened: February 2, 2001

Bidders: Perkin Elmer \*\$19,585.20  
Norwalk, CT

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	1,031		# Black Males	29	02.81%
Total # Females	235	23%	# White Males	683	66.25%
Total # Males	796	77%	# Other Males	84	08.15%
			# Black Females	32	03.10%
			# White Females	165	16.00%
			# Other Females	38	03.69%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived \_\_\_\_\_ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**6. Bid: Light Bulbs for the Durham Bulls Athletic Park**

Purpose of Bid: To supply the DBAP with new light bulbs for the upcoming season.

Comments:

Opened: February 9, 2001

Bidders: H.I Direct \* \$10,268.00  
Solon, OH  
Techline Sports \$10,370.00

June 4, 2001

Austin, TX	
Indoor Sun	\$10,540.00
Los Angeles, CA	
American Pro	\$10,951.40
La Grange, KY	
Grainger	\$10,970.10
Durham, NC	

\*Awarded based on: ☒ Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	429		# Black Males	58	13%
Total # Females	246	57%	# White Males	111	25.8%
Total # Males	183	43%	# Other Males	14	3.2%
			# Black Females	142	33.2%
			# White Females	93	21.7%
			# Other Females	11	2.6%

Performance Bond: \_\_\_\_\_ Waived   Not Waived   **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**7. Bid: ARC Information Floating License/Maintenance**

Purpose of Bid: To provide TS/GIS with ARC Information Floating License/Maintenance

Comments: This license/maintenance agreement was handled by the TS/GIS Department.

Opened: February 07, 2001

Bidders: Environmental Systems Research Institute, Inc. (ESRI, Inc.)  
Redlands, CA \*\$21,600.00

\*Awarded based on: \_\_\_\_\_ Low Bid    ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	1,471		# Black Males	33	02.24%
Total # Females	607	41.26%	# White Males	714	48.54%
Total # Males	864	58.74%	# Other Males	117	07.95%
			# Black Females	31	02.11%
			# White Females	455	30.93%
			# Other Females	121	08.23%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

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8. Bid: Intra/Internet Renewal Maintenance for TS/GIS

Purpose of Bid:

Comments: This maintenance renewal was handled by the TS/GIS Department.

Opened: February 07, 2001

Bidders: Environmental Systems Research Institute, Inc. (ESRI, Inc.)  
Redlands, CA \*\$13,090.10

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	1,471		# Black Males	33	02.24%
Total # Females	607	41.26%	# White Males	714	48.54%
Total # Males	864	58.74%	# Other Males	117	07.95%
			# Black Females	31	02.11%
			# White Females	455	30.93%
			# Other Females	121	08.23%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

9. Bid: Water Bullet Recovery System for Police ID

Purpose of Bid: To provide Police ID with a water tank system to test fire and recover bullets for analysis.

Opened: February 9, 2001

Bidders: Jensen Environmental Engineering Services, Inc. \* \$18,022.50  
Indianapolis, IN  
CyberNational, Inc. \$27,277.00  
Murfreesboro, TN

\*Awarded based on: ☒ Low Bid \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	6		# Black Males	0	0%
Total # Females	2	33.33%	# White Males	4	66.67%
Total # Males	4	66.67%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	33.33%
			# Other Females	0	0

June 4, 2001

LOCATION OF PERFORMING CONTRACT  
Durham, NC

Total Workforce	1		# Black Males	0	0%
Total # Females	0	0%	# White Males	1	100%
Total # Males	1	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**10. Bid: Engineering Survey Instruments/Accessories**

Purpose of Bid: To provide Public Works/Engineering with Survey Instruments.

Opened: February 14, 2001

Bidders:	Earl Dudley Associates, Inc.	* \$78,787.70
	Charlotte, NC	
	Leica Geosystems, Inc.	\$88,500.00
	Huntley, IL	

\*Awarded based on: ☒ Low Bid \_\_\_\_\_ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Earl Dudley Associates of Charlotte, NC to determine compliance with the Minority and Women Business Enterprises Ordinance.

There are no M/WBE firms available to provide this product.

The workforce statistics for Earl Dudley Associates, Inc. are as follows:

Total Workforce	6	
Total # of Females	1	17%
Total # of Males	5	83%
Total # of Black Males	0	0%
Total # of White Males	5	83%
Total # of Other Males	0	0%
Total # of Black Females	0	0%
Total # of White Females	1	17%
Total # of Other Females	0	0%

Performance Bond: ☒ Waived \_\_\_\_\_ Not Waived \_\_\_\_\_ Not Required

**11. Bid: 72" Commercial Riding Mower**

Purpose of Bid: To provide the Property & Facilities Management Department with a mower.

**June 4, 2001**

**Opened: February 16, 2001**

Bidders:	Aldridge –Saw & Mower	* \$15,198.00
	Durham, NC	
	Right of Way Equipment	\$17,174.00
	Raleigh, NC	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	6		# Black Males	0	0%
Total # Females	1	17%	# White Males	4	66%
Total # Males	5	83%	# Other Males	1	17%
			# Black Females	0	0%
			# White Females	1	17%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**12. Bid: Installation and Re-Aiming of the Lights at the Durham Bulls Athletic Park**

Purpose of Bid:

Comments: A.L Hedgespath Electric Company made a bid pricing error and has asked that their bid not be considered.

Opened: February 16, 2001

Bidders:	A.L Hedgespath Electric Company	\$16,280.00
	Hillsborough, NC(non-responsive)	
	Jerrit Electric Corporation	* \$30,975.00
	Chesapeake, VA	

\*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	114		# Black Males	32	28%
Total # Females	6	5%	# White Males	64	56%
Total # Males	108	95%	# Other Males	12	10%
			# Black Females	2	2%
			# White Females	4	4%
			# Other Females	0	0%

June 4, 2001

LOCATION OF PERFORMING CONTRACT  
Durham, NC

Total Workforce	4		# Black Males	2	50%
Total # Females	0	0%	# White Males	2	50%
Total # Males	4	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

Performance Bond:      \_\_\_\_\_ Waived      \_\_\_\_\_ Not Waived      **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**13.      Bid:                      Three Wheeled Police Patrol Vehicle**

Purpose of Bid:              To provide the Police department with a three wheeled patrol vehicle.

Comments:                  This vehicle will be used to patrol the greenway trails. Quotes were solicited from several vendors, but only one response was received.

Opened:                      February 20, 2001

Bidders:                      Carolina Industrial Equipment, Inc. \*                      \$16,998.00  
   Charlotte, NC

\*Awarded based on:      \_\_\_\_\_ Low Bid      **X** Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	100		# Black Males	0	0%
Total # Females	21	21%	# White Males	72	72%
Total # Males	79	79%	# Other Males	7	7%
			# Black Females	0	0%
			# White Females	21	21%
			# Other Females	0	0%

Performance Bond:      \_\_\_\_\_ Waived      \_\_\_\_\_ Not Waived      **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

JWC:lm

**SUBJECT:      BID REPORT FOR THE MONTH OF MARCH 2001**

**MOTION** by Council Member Larson seconded by Council Member Stith to approve and record in the minutes the following bids and items

**June 4, 2001**

displayed which were acted upon by the City Manager during the month of March 2001 was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**CITY OF DURHAM NORTH CAROLINA**

April 5, 2001

MEMO TO: Gregory A. Bethea  
Interim City Manager

THROUGH: Navdeep S. Gill  
Finance Director

THROUGH: Kenneth C. Pennoyer  
Assistant Finance Director

FROM: Joseph W. Clark  
Purchasing Manager

SUBJECT: Bid Report

To approve and record in the minutes bids which were acted upon by the City Manager during the month of **March 2001**.

Apparatus, Supplies, Materials, Equipment, Construction, and Repairwork:

**1. Bid: Pre-formed Thermoplastic Pavement Marking Material**

Purpose of Bid: To provide the Transportation Division with street marking material (arrows, lines, etc.)

Comments:

Opened: October 2, 2000

Bidders:	Linear Dynamics	*\$42,340.50
	Ball Ground, GA	
	Avery Dennison	\$50,412.60
	Niles, IL	
	Flint Trading	\$65,722.20
	Thomasville, NC	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Linear Dynamics, Inc. of Ball Ground, Georgia to determine compliance with the Minority and Women Business Enterprises Ordinance.

**June 4, 2001**

There are no M/WBE firms available to provide this product.

The workforce statistics for Linear Dynamics, Inc. are as follows:

	2000			2001	
Total Workforce	25		Total Workforce	13	
Total # of Females	9	36%	Total # of Females	2	15%
Total # of Males	16	64%	Total # of Males	11	85%
Total # of Black Males	0	0%	Total # of Black Males	0	0%
Total # of White Males	14	56%	Total # of White Males	10	77%
Total # of Other Males	2	8%	Total # of Other Males	1	8%
Total # of Black Females	2	8%	Total # of Black Females	0	0%
Total # of White Females	7	28%	Total # of White Females	2	15%
Total # of Other Females	0	0%	Total # of Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

**2. Bid: Estimated Annual Requirements for Zinc Orthophosphate**

Purpose of Bid: To establish a twelve months firm price contract for Zinc Orthophosphate

Comments: This chemical is used in the water treatment process to help reduce corrosion control.

Opened: January 3, 2001

Bidders:	Shannon Chemical, Corp.	*\$33,536.00
	Malvern, PA	
	Carus Chemical	\$40,200.00
	Peru, IL	

\*Awarded based on: ☒ Low Bid \_\_\_\_\_ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Shannon Chemical Corporation of Malvern, PA to determine compliance with the Minority and Women Business Enterprises Ordinance.

There were no M/WBE firms available to provide this product.

The workforce statistics for Shannon Chemical Corporation are as follows:

Total Workforce	9	
Total # of Females	4	44%
Total # of Males	5	56%
Total # of Black Males	0	0%
Total # of White Males	4	44%
Total # of Other Males	1	12%
Total # of Black Females	0	0%
Total # of White Females	4	44%
Total # of Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived ☒ Not Waived \_\_\_\_\_ Not Required

June 4, 2001

**3. Bid: Storm Drainage Improvements for the American Tobacco Trail at Otis Street**

Purpose of Bid:

Comments:

Opened: February 15, 2001

Bidders:	Freeman's Lawn Service	* \$10,306.00
	Durham, NC	
	D.E.W. Enterprises of NC, LTD	\$19,051.88
	Burlington, NC	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	5		# Black Males	2	40%
Total # Females	0	0%	# White Males	0	0%
Total # Males	5	100%	# Other Males	3	60%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**4. Bid: One (1) Gas Fired Water Heater**

Purpose of Bid: To provide the Durham Marriott Hotel/Civic Center with a gas fired water heater.

Comments: The Durham Marriott Hotel handled this bid.

Opened: February 16, 2001

Bidders:	Ken Clary & Company	*\$11,951.50
	Atlanta, GA	
	Brown Brothers Plumbing	\$13,146.00
	Durham, NC	

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	5		# Black Males	0	0%
Total # Females	2	40.00%	# White Males	3	60.00%

**June 4, 2001**

Total # Males	3	60.00%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	40.00%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**5. Bid: Reprinting of the Downtown Durham Master Plan**

Purpose of Bid: To provide the Economic Development Office with additional copies of the Downtown Durham Master Plan.

Comments:

Opened: February 23, 2001

Bidders:	<u>Section I—400 copies in Black &amp; White</u>	
	<b>Quick Color Solutions</b>	* <b>\$3,991.00</b>
	RTP, NC	
	Bates Graphics	\$5,718.00
	Raleigh, NC	
	 <u>Section II—75 copies in Color</u>	
	Quick Color Solutions	* \$7,125.00
	RTP, NC	

\*Awarded based on: ☒ Low Bid \_\_\_\_\_ Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	21		# Black Males	0	0%
Total # Females	9	43%	# White Males	12	57%
Total # Males	12	57%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	8	38%
			# Other Females	1	5%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**6. Bid: Furnish and Install Back-Up Generators**

Purpose of Bid: To furnish and install emergency back-up generators in Fire Stations 2, 11, & 12.

Comments:

**June 4, 2001**

Opened: February 27, 2001

Bidders: Piedmont Power Products \* \$87,133.69  
Julian, NC  
KC Electro-Mechanical Contractors \$88,173.00  
Raleigh, NC

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Piedmont Power Products, Inc., of Julian, North Carolina to determine compliance with the Minority and Women Business Enterprises Ordinance.

There are no M/WBE firms available to provide this product.

The workforce statistics for Piedmont Power Products, Inc. are as follows:

2001

Total Workforce	14	
Total # of Females	3	21%
Total # of Males	11	79%
Total # of Black Males	0	0%
Total # of White Males	11	79%
Total # of Other Males	0	0%
Total # of Black Females	0	0%
Total # of White Females	3	21%
Total # of Other Females	0	0%

Performance Bond: ☐ Waived ☒ Not Waived ☐ Not Required

**7. Bid: One Parking Booth**

Purpose of Bid: To provide the Parking System with a new booth.

Comments: Bids were solicited from several bidders and only one response was received.

Opened: Feb 28, 2001

Bidders: Southern Time, Inc. \* \$11,919.50  
Wilson, NC

\*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	16		# Black Males	0	0%
Total # Females	2	12.5%	# White Males	14	87.5%
Total # Males	14	87.5%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	12.5%

June 4, 2001

# Other Females 0 0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**8. Bid: Keyless Access Control System**

Purpose of Bid: To provide the Environmental Resources Water Treatment facilities with a keyless access control system.

Comments: Bids were mailed to sixteen vendors, only one response was received.

Opened: March 2, 2001

Bidders: Bruce Wrenn Electrical & Security Contractors, Inc. \*\$17,183.24  
Roxboro, NC

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	7		# Black Males	0	0%
Total # Females	1	14%	# White Males	6	86%
Total # Males	6	86%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	1	14%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**9. Bid: Dell Power Edge Server**

Purpose of Bid: To provide the TS Department with a server and mounting hardware.

Comments: Bids were solicited from several Dell distributors and only one response was received. The City has standardized on Dell brand computers.

Opened: March 1, 2001

Bidders: Dell Computer Corporation \* \$10,497.00  
Round Rock, TX

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	20113		# Black Males	1209	6%
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**June 4, 2001**

Total # Females	7085	35%	# White Males	9076	45%
Total # Males	13008	65%	# Other Males	2723	14%
			# Black Females	987	5%
			# White Females	4459	22%
			# Other Females	1639	8%

Performance Bond:        ☐ Waived        ☐ Not Waived        ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**10.     Bid:                    Installation of Conduit between City Hall and the Planning Building**

Purpose of Bid:

Comments:                    The conduit is for use by a future generator.

Opened:                    March 1, 2001

Bidders:	Pendergraph Electric, Inc.	* \$13,293.00
	Durham, NC	
	Tech Electric Co., Inc.	\$14,278.00
	Raleigh, NC	

\*Awarded based on: ☒ Low Bid    ☐ Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	17		# Black Males	5	30%
Total # Females	2	12%	# White Males	9	53%
Total # Males	15	88%	# Other Males	1	5%
			# Black Females	0	0%
			# White Females	2	12%
			# Other Females	0	0%

Performance Bond:        ☐ Waived        ☐ Not Waived        ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**11.     Bid:                    One Toro Groundmaster 3000-D 4 WD Mower**

Purpose of Bid:                    To provide the Property and Facilities Management department with a  
mower

Comments:                    Smith Turf & Irrigation is the sole regional source for Toro commercial  
mowers.

Opened:                    March 8, 2000

Bidders:	Smith Turf & Irrigation	* \$24,727.71
	Charlotte, NC	

June 4, 2001

\*Awarded based on: \_\_\_\_\_ Low Bid    ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	106		# Black Males	8	3.25%
Total # Females	14	13.5%	# White Males	82	77%
Total # Males	92	86.5%	# Other Males	2	2%
			# Black Females	2	2%
			# White Females	12	11%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived    \_\_\_\_\_ Not Waived    ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

JWC:lm

**SUBJECT:    BID REPORT FOR THE MONTH OF APRIL 2001**

**MOTION** by Council Member Larson seconded by Council Member Stith to approve and record in the minutes the following bids and items displayed which were acted upon by the City Manager during the month of April 2001 was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**CITY OF DURHAM NORTH CAROLINA**

May 14, 2001

MEMO TO:    Gregory A. Bethea  
Interim City Manager

THROUGH:    Navdeep S. Gill  
Finance Director

THROUGH:    Kenneth C. Pennoyer  
Assistant Finance Director

FROM:        Joseph W. Clark  
Purchasing Manager

SUBJECT:     Bid Report

To approve and record in the minutes bids which were acted upon by the City Manager during the month of **April 2001**.

June 4, 2001

Apparatus, Supplies, Materials, Equipment, Construction, and Repairwork:

**1. Bid: Contract Extension - Janitorial Services for the Fire Administration**

Purpose of Bid: To provide the Fire Administration Bldg. with a twelve month firm contract price for janitorial services.

Comments: City Ordinance #11333 (Liveable Wage Ordinance) is a part of this contract.

Opened: May 1, 1998

Bidders: Quality Janitor Service \*\$20,858.52/yrly  
Durham, NC

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	90		# Black Males	48	53%
Total # Females	42	47%	# White Males	0	0%
Total # Males	48	53%	# Other Males	0	0%
			# Black Females	41	47%
			# White Females	1	1%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**2. Bid: Contract Extension - Janitorial Services for Housing Inspections**

Purpose of Bid: To provide Housing Inspections with a twelve month firm contract price for janitorial services.

Comments: City Ordinance #11333 (Liveable Wage Ordinance) is a part of this contract.

Opened: July 19, 1999

Bidders: T. D. Cleaning Service  
\*\$12,633.60/yrly  
Durham, NC

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	3		# Black Males	2	66.67%
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**June 4, 2001**

Total # Females	1	33.33%	# White Males	0	0%
Total # Males	2	66.67%	# Other Males	0	0%
			# Black Females	1	33.33%
			# White Females	0	0%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**3. Bid: Contract Extension - Janitorial Services for Lakewood Police Substation**

Purpose of Bid: To provide the Lakewood Substation with a twelve month firm contract price for janitorial services.

Comments: City Ordinance #11333 (Liveable Wage Ordinance) is a part of this contract. Quality Janitor Service has agreed to extend this contract an additional 12 months with no price increase.

Opened: April 3, 2000

Bidders: Quality Janitor Service \*\$16,071.96/year  
Durham, NC

\*Awarded based on: ☒ Low Bid \_\_\_\_\_ Other (See Comments)

**WORKFORCE STATISTICS**  
**CORPORATION STATISTICS**

Total Workforce	90		# Black Males	48	53%
Total # Females	42	47%	# White Males	0	0%
Total # Males	48	53%	# Other Males	0	0%
			# Black Females	41	47%
			# White Females	1	1%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**4. Bid: Contract Extension - Janitorial Services for Northgate Police Substation**

Purpose of Bid: To provide the Northgate Substation with a twelve month firm contract price for janitorial services.

Comments: City Ordinance #11333 (Liveable Wage Ordinance) is a part of this contract. Quality Janitor Service has agreed to extend this contract an additional 12 months with no price increase.

Opened: April 3, 2000

June 4, 2001

Bidders: Quality Janitor Service  
Durham, NC

\*\$18,483.96/year

\*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	90		# Black Males	48	53%
Total # Females	42	47%	# White Males	0	0%
Total # Males	48	53%	# Other Males	0	0%
			# Black Females	41	47%
			# White Females	1	1%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**5. Bid: Two LED Vehicle Traffic Signs**

Purpose of Bid: To provide the Transportation Department with two vehicle mounted changeable message traffic signs with arrowboard.

Comments: Bids were solicited from several bidders and only one response was received.

Opened: March 16, 2001

Bidders: Intelicom Inc., dba LiteSys., Inc.  
Belgrade, MT

\*\$21,970.00

\*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	7		# Black Males	0	0%
Total # Females	0	0%	# White Males	7	100%
Total # Males	7	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**6. Bid: Office Furnishings for City Hall Basement**

**June 4, 2001**

Purpose of Bid: To provide office furnishings for City/County Planning and Inspections departments new workspace area in the basement of City Hall.

Opened: March 16, 2001

Bidders:	Prestige Office Products Durham, NC	* \$54,376.01
	Interior Resources & Design Associates Greensboro, NC	\$54,555.40
	Brame Office Products Durham, NC	\$57,488.00
	Storr Office Environments Raleigh, NC	\$85,821.67

\*Awarded based on: ☒ Low Bid    ☐ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Prestige Office Products of Durham, NC to determine compliance with the Minority and Women Business Enterprises Ordinance.

Interior Resources & Design Associates, a certified M/WBE, submitted a competitive bid, however they were not the low bidder.

The workforce statistics for Prestige Office Products are as follows:

Total Workforce	23	
Total # of Females	16	70%
Total # of Males	7	30%
Total # of Black Males	2	8%
Total # of White Males	5	22%
Total # of Other Males	0	0%
Total # of Black Females	0	0%
Total # of White Females	16	70%
Total # of Other Females	0	0%

**7. Bid: Estimated Two Year Requirements for LP Gas**

Purpose of Bid:

Comments: Bids were mailed to several vendors and only one response was received.  
LP gas pricing fluctuates weekly per the OPIS price average.

Opened: March 23, 2001

Bidders:	Energy United Propane Durham, NC	\$28,000.00
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\*Awarded based on: ☐ Low Bid    ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

June 4, 2001

Total Workforce	74		# Black Males	5	7%
Total # Females	15	20%	# White Males	53	72%
Total # Males	59	80%	# Other Males	1	1%
			# Black Females	1	1%
			# White Females	13	18%
			# Other Females	1	1%

LOCATION OF PERFORMING CONTRACT  
Durham, NC

Total Workforce	9		# Black Males	0	0%
Total # Females	2	20%	# White Males	7	80%
Total # Males	7	80%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	20%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**8. Bid: Parking Proximity Cards and Card Reader**

Purpose of Bid: To provide the Property & Facilities Management/Parking Division with new proximity cards and card reader.

Comments: There were no other companies that could furnish these items.

Opened: March 16, 2001

Bidders: Southern Time Equipment Company, Inc. \*\$27,600.00  
Wilson, NC

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	16		# Black Males	0	0%
Total # Females	2	12.50%	# White Males	14	87.50%
Total # Males	14	87.50%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	12.50%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**9. Bid: One Compact Excavator**

**June 4, 2001**

Purpose of Bid: To provide Public Works/Storm Water Maintenance division with a compact excavator.

Comments: The low bid submitted by Triangle Equipment Company failed to meet all specifications. Rental Service Corporation is the low responsive bidder meeting all specifications.

Opened: March 20, 2001

Bidders:	Triangle Equipment Co. (does not meet specifications)	\$36,534.00
	Raleigh, NC	
	Rental Service Corporation	* \$45,212.76
	Durham, NC	
	Triangle Equipment Company	\$47,830.00
	Raleigh, NC	
	North Carolina Equipment Company	\$49,414.00
	Raleigh, NC	
	Senter Tractor Company	\$52,892.00
	Raleigh, NC	
	Mitchell Distributing Company	\$53,654.29
	Raleigh, NC	

\*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Rental Service Corporation of Durham, North Carolina to determine compliance with the Minority and Women Business Enterprises Ordinance.

There are no M/WBE firms in the databank to provide this product.

The workforce statistics for Rental Service Corporation are as follows:

Corporate	2000		2001		
Total Workforce	3777		Total Workforce	4063	
Total # of Females	422	11%	Total # of Females	420	10%
Total # of Males	3355	89%	Total # of Males	3643	90%
Total # of Black Males	135	4%	Total # of Black Males	126	3%
Total # of White Males	2949	78%	Total # of White Males	3251	80%
Total # of Other Males	271	7%	Total # of Other Males	266	7%
Total # of Black Females	14	1%	Total # of Black Females	24	1%
Total # of White Females	373	9%	Total # of White Females	364	8%
Total # of Other Females	35	1%	Total # of Other Females	32	1%

**10. Bid: Canopy Replacement/Repairs at the Fleet Maintenance Facility**

Purpose of Bid: To repair the damaged canopy at the Fleet Maintenance Facility.

Comments: This contract has been bid twice, and Coastal Carolina Canopies, Inc., was the only bidder.

**June 4, 2001**

Opened: March 21, 2001

Bidders: Coastal Carolina Canopies, Inc. \* \$18,795.00  
Elizabethtown, NC

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	14		# Black Males	5	36%
Total # Females	1	7%	# White Males	4	29%
Total # Males	13	93%	# Other Males	4	28%
			# Black Females	0	0%
			# White Females	1	6%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**11. Bid: Police Body Armor - Ballistic Resistant Vests**

Purpose of Bid: To provide the Police Department with ninety ballistic resistant vests.

Opened: March 29, 2001

Bidders:	Arrington Police Distributors, Inc. *	\$29,999.10
	Greensboro, NC	
	Southern Public Safety Equipment Co.	\$31,304.70
	Greensboro, NC	
	Showfety's, Inc.	\$33,810.00
	Greensboro, NC	
	Century Uniform	\$37,800.00
	Raleigh, NC	
	Lawmen's	\$39,978.00
	Raleigh, NC	

\*Awarded based on: ☒ Low Bid \_\_\_\_\_ Other (See Comments)

LOCATION OF PERFORMING CONTRACT  
Greensboro, N.C.

Total Workforce	5		# Black Males	0	0%
Total # Females	2	40%	# White Males	3	60%
Total # Males	3	60%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	2	40%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

**June 4, 2001**

The M/WBE Data Base was used in the solicitation of bids for this item.

**12. Bid: Dell PowerEdge Server**

Purpose of Bid: To provide the TS Department with a server.

Comments: Bids were solicited from several Dell distributors and only one response was received. The City has standardized on Dell brand computers.

Opened: April 13, 2001

Bidders: Dell Computer Corporation \* \$11,435.75  
Round Rock, TX

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	20113		# Black Males	1209	6%
Total # Females	7085	35%	# White Males	9076	45%
Total # Males	13008	65%	# Other Males	2723	14%
			# Black Females	987	5%
			# White Females	4459	22%
			# Other Females	1639	8%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**13. Bid: Sound and Projection Equipment for the Carolina Theatre**

Purpose of Bid: To purchase Sound and Projection equipment for the Carolina Theatre

Comments: Bids were solicited from several bidders, and only one response was received.

Opened: April 16, 2001

Bidders: Cinetech \* \$20,500.00  
Greensboro, NC

\*Awarded based on: \_\_\_\_\_ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	1		# Black Males	0	0%
Total # Females	0	0%	# White Males	1	100%
Total # Males	1	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%

**June 4, 2001**

# Other Females 0 0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**14. Bid: One Power Distribution Unit**

Purpose of Bid: This power distribution unit is for the IT Department

Comments: This has been bid twice and only one response was received.

Opened: April 17, 2001

Bidders: Powercom, Inc. \*\$16,830.00  
Raleigh, NC

\*Awarded based on: \_\_\_\_\_ Low Bid **X** Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	23		# Black Males	0	0%
Total # Females	7	30.00%	# White Males	16	70.00%
Total # Males	16	70.00%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	7	30.00%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**15. Bid: Communications Cable Installation at various Police Facilities**

Purpose of Bid: To install Cat 5 cable at Sub-stations 2, 3,4, and Police Headquarters

Opened: April 25, 2001

Bidders:	Netronix	* \$12,173.59
	Raleigh, NC	
	Verizon South	\$13,400.84
	RTP, NC	
	TSM	\$15,860.00
	Cary, NC	
	Total Network Solutions	\$20,763.52
	Clayton, NC	
	N.C. Sound Contractors	\$32,547.41
	Zebulon, NC	
	C.L. Carter Prewire	\$36,070.00
	Raleigh, NC	

June 4, 2001

\*Awarded based on: ☒ Low Bid \_\_\_\_\_ Other (See Comments)

LOCATION OF PERFORMING CONTRACT  
Raleigh, NC

Total Workforce	6		# Black Males	5	75%
Total # Females	0	0%	# White Males	1	25%
Total # Males	6	100%	# Other Males	0	0%
			# Black Females	0	0%
			# White Females	0	0%
			# Other Females	0	0%

Performance Bond: \_\_\_\_\_ Waived \_\_\_\_\_ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**16. Bid: Purchase of five Remanufactured Diesel Engines**

Purpose of Bid: To supply DATA with remanufactured diesel engines for their buses.

Comments:

Opened:	April 17, 2001		
Bidders:	Covington Detroit Diesel-Allison	*\$81,880.00	
	Greensboro, NC		
	MCI Service Parts, Inc.		\$86,822.50
	Des Plaines, IL		
	Jasper Engine & Transmission, Inc.		\$96,465.00
	Greensboro, NC		

\*Awarded based on: ☒ Low Bid \_\_\_\_\_ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Covington Detroit Diesel of Greensboro, NC to determine compliance with the Minority and Women Business Enterprises Ordinance.

There were no M/WBE firms in the databank to provide this product.

The workforce statistics for Covington Detroit Diesel are as follows:

Corporate	2000		2001		
Total Workforce	299		Total Workforce	313	
Total Females	39	13%	Total Females	35	11%
Total Males	260	87%	Total Males	278	89%
Black Males	4	1%	Black Males	8	3%
White Males	255	85%	White Males	270	86%
Other Males	1	1%	Other Males	0	0%
Black Females	1	1%	Black Females	1	1%
White Females	38	12%	White Females	34	10%

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Other Females                      0            0%    Other Females                      0            0%

Performance Bond:            ☒ Waived                      \_\_\_\_\_ Not Waived            \_\_\_\_\_ Not Required

**17.     Bid:                      Commercial Dishwasher for the Marriott Hotel/Civic Center**

Purpose of Bid:                      To provide the Marriott Hotel/Civic Center with a new Dishwasher.

Comments:

Opened:                      April 30, 2001

Bidders:                      Edward Don & Company                      \* \$14,129.00  
   Cary, NC  
   United Restaurant Equipment Company                      \$16,358.00  
   Raleigh, NC

\*Awarded based on: ☒ Low Bid            \_\_\_\_\_ Other (See Comments)

WORKFORCE STATISTICS  
CORPORATION STATISTICS

Total Workforce	1147		# Black Males	97	8%
Total # Females	383	33%	# White Males	592	52%
Total # Males	764	67%	# Other Males	75	6%
			# Black Females	49	4%
			# White Females	295	26%
			# Other Females	39	3%

LOCATION OF PERFORMING CONTRACT  
Atlanta, GA

Total Workforce	58		# Black Males	15	26%
Total # Females	14	24%	# White Males	28	48%
Total # Males	44	76%	# Other Males	1	2%
			# Black Females	6	10%
			# White Females	8	14%
			# Other Females	0	0%

Performance Bond:            \_\_\_\_\_ Waived                      \_\_\_\_\_ Not Waived            ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

**18.     Bid:                      Imaging System for the Records Management Office**

Purpose of Bid:                      To have a fully integrated and functional document management, storage and retrieval system that will enable the Records Management office to readily convert and store existing related documents to an automated system, store newly generated documents and instantly retrieve any stored document using full text search capability via a standard desktop and web based query application.

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Comments:

Opened: January 10, 2001

Bidders:	Information Access Systems, Inc.	*\$ 68,385.00
	Orlando, FL	
	Hart InterCivic	\$122,881.00
	Austin, TX	

\*Awarded based on: ☒ Low Bid    ☐ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Information Access Systems, Inc., of Orlando, Florida to determine compliance with the Minority and Women Business Enterprises Ordinance.

There are no M/WBE forms in the database to provide this product.

The workforce statistics for Information Access Systems, Inc., are as follows:

Total Workforce	12	
Total # of Females	2	16.67%
Total # of Males	10	83.33%
Total # of Black Males	0	0%
Total # of White Males	10	83.33%
Total # of Other Males	0	0%
Total # of Black Females	1	8.33%
Total # of White Females	1	8.33%
Total # of Other Females	0	0%

Performance Bond:    ☐ Waived    ☒ Not Waived    ☐ Not Required

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (\*).

JWC:lm

**SUBJECT:    BID - CRANE TRUCK - SOUTHEASTERN CRANE**

**MOTION** by Council Member Larson seconded by Council Member Stith to accept the bid from Southeastern Crane in the amount of \$132,971 for providing the City with a crane truck; and

To authorize the City Manager to enter into a contract with Southeastern Crane in the amount of \$132,971 for providing the City with a crane truck; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill,

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Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: STOP SIGN - PATRICK HENRY DRIVE**

**MOTION** by Council Member Larson seconded by Council Member Stith to adopt an ordinance authorizing the installation of a stop sign on Patrick Henry Drive at William Penn Plaza, southeast corner, northern intersection was approved at 7:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Ordinance #12298**

**[GENERAL BUSINESS AGENDA]**

**[PUBLIC HEARINGS]**

**SUBJECT: WATER MAIN - NORTHBURY CIRCLE** FROM ATTERBURY LANE TO THE  
END OF THE CUL-DE-SAC

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt a resolution ordering water main on Northbury Circle from Atterbury Lane to the end of the cul-de-sac was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: SEWER MAIN - NORTHBURY CIRCLE** FROM ATTERBURY LANE TO THE  
END OF THE CUL-DE-SAC, AND

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt a resolution ordering sewer main on Northbury Circle from Atterbury Lane to the end of the cul-de-sac was approved at 7:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

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**SUBJECT: WATER MAIN - FENIMORE STREET** FROM CHANDLER ROAD TO THE WEST PROPERTY LINE OF TAX MAP 387-1-64

To adopt a resolution ordering water main on Fenimore Street from Chandler Road to the west property line of Tax Map 387-1-64.

Lee Murphy, of the Public Works Department, stated that we have received an objection to the improvement from a property owner. He noted staff recommends continuing the public hearing without further advertising and referring the item to the Public Works Committee for further consideration.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to continue the public hearing without further advertising and to refer the entire item to the Public Works Committee for further consideration was approved at 7:17 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: FISCAL YEAR 2001-02 CITY OF DURHAM PRELIMINARY BUDGET AND PRELIMINARY CAPITAL IMPROVEMENT PROGRAM (CIP) FOR FISCAL YEARS 2002-2007**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Jane Volland, representing City/County Violence Prevention Committee, spoke in support of assigning more police officers to the juvenile division to investigate juvenile crime.

Diane Wright, representing Campaign for Decent Housing, spoke in support of adding two inspectors to ensure that non-residential buildings are safe.

Charlotte Hyer, President of Stirrup Creek Subdivision, spoke in support of funds for a park in Bethesda due to the tremendous growth. She urged Council to include the 298K in the CIP so that she can have a park in their area in the near future.

George Conklin, representing Stirrup Creek Subdivision, spoke in support of a park in Bethesda because there is no recreational facility near.

Ralph McKinney, of 3104 Winston Road, made comments relative to taxes.

Cledith Kinder, of 2908 Scuppernong Lane, spoke in support of a park in the Bethesda area.

Bill Johnson, of 1206 E. Main Street, spoke in support of the 2%

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COLA and 5% merit for City employees.

Bob Jentsch, representing Durham Planning Commission, advocated for more staff support and recommended that there be a clear and direct policy relating to the planning, zoning and development process.

Newman Agruiar, PAC 2 Co-Chair, urged Council to support two new inspectors for code enforcement of non-residential building.

Mike Shiflett, representing Inter-Neighborhood Council, noted he supports the Housing & Community Development's budget in their efforts to make Durham a safe place to live by adding two positions for non-commercial inspection.

Bill Kalkhof, representing Downtown Durham, Inc., spoke in opposition to taking funds from the American Tobacco project to balance the budget; spoke in support of the City allocating \$400,000 for review, planning and development of the Woolworth's property and streetscaping improvements along Parrish Street; spoke in opposition to City raising parking fees; spoke in support of funds in the CIP for the Liggett Deck. Also, as a citizen of Durham, he asked Council to study the concept of managed competition.

LaVonnia Allison, representing Durham Committee on the Affairs of Black People, noted the Southeast neighborhood community is drug infested and urged Council to look at the process, see what can be done to make a difference in the lives of those people who are trying to have a meaningful and successful business.

Larry Hester, representing Southeast Durham Business District, noted that since June of last year, the Greater SE Business District has repeatedly requested that the City provide anti-crime measures for this district, presented Council with a petition of 600 signatures on February 8, 2001 in support of the request for four additional walking patrolmen, four bicycling patrolmen and one undercover officer for the 24-hour patrol of the business district which has not been funded, budgeted or discussed in the current budget cycle. He noted the requested officers would help reverse the presence of crime in our area and would allow our businesses to create more revenue and produce more jobs.

Denise Hester, representing Southeast Durham Business District, noted the request has been made for nine additional officers several times over the past years and was told that the current resources were adequate for the area. She urged Council to once again consider additional funding for police officers for Southeast Business District on a permanent basis.

Katy Bogart, 5002 Rolling Meadows Drive, spoke in support of funds for the Bethesda Park.

Victoria Peterson informed Council that the City is really decaying around the Alston Avenue, Fayetteville Street and

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Roxboro Road area.

Carl Webb thanked Council for their commitment last year to Downtown Revitalization efforts by committing to funds for the American Tobacco project and Parrish Street area. He noted there is a tremendous challenge on Parrish Street in terms of public/private participation and asked Council for some clarity on what that investment is going to be.

Diane Morizio, of 5114 Huxey Glenn Court, urged Council to make the Bethesda Park a reality sometime soon so that the youth can have a place to recreate.

Mayor Tennyson declared the public hearing closed.

Council Member McKissick spoke in support of non-residential building inspectors.

Council Member Burnette expressed concern with the Southeast businesses not having enough police officers.

Interim City Manager Greg Bethea noted that the Bethesda Park will be included as part of the CIP.

**a. Fiscal Year 2001-02 City of Durham Preliminary Budget**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments on the Fiscal Year 2001-02 City of Durham Preliminary Budget was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**b. Preliminary Capital Improvement Program (CIP) for Fiscal Years 2002-2007**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments on the Preliminary Capital Improvement Program (CIP) for Fiscal Years 2002-2007 was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: MOREHEAD HILL HISTORIC DISTRICT OVERLAY ZONE AND PLAN - PUBLIC COMMENT/ADOPTION**

To receive citizens' comments on the Morehead Hill District Overlay Zone and the Draft Plan; and

To designate the Morehead Hill Historic District; and

To adopt the *Morehead Hill Historic District Preservation Plan*.

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Steve Cruse, of City/County Planning Department, gave an overview of the district boundary of Morehead Hill Historic District Option 2 handout which illustrates the removal of two properties -- 708 S. Duke Street and 1013 Lakewood Avenue. Mr. Cruse noted that staff considers the best option to be the original boundaries - Option 1 and distributed an Ordinance of Designation noting that it has been revised with the new date and the option has to be inserted.

Mayor Tennyson re-opened the public hearing.

Dr. James R. Lewis, of 5111 Shady Bluff Street, protested the inclusion of his office property at 708 S. Duke Street to become part of the proposed Morehead Hill Historic District Preservation Plan. Also, Dr. Lewis read a letter dated December 27, 2000 that was presented to the Durham Historic Preservation in opposition to the Plan noting that he could not perceive his property enhancing or subtracting from the historic integrity of the Morehead neighborhood, nor would it enhance his property value.

Blaine Butterworth, of 1109 Vickers Avenue, spoke in support of the designation of the Morehead Hill Historic District and distributed a handout outlining the Neighborhood Association's history of meetings and publications concerning the local historic district efforts.

Phyllis Ponder Butterworth, of 1109 Vickers Avenue, expressed her support for the Morehead Hill Historic District Preservation Plan.

Steve Ritz, of 1304 Vickers Avenue, spoke in support of this item noting the importance of the Historic District to the Association both in terms of the structure that it would preserve and the historic integrity of the neighborhood. Also, he urged Council to approve the district tonight without further change which might compromise the residential quality of the neighborhood.

Elizabeth McGuffie, of 908 Vickers Avenue, spoke in support of the plan to preserve the residential neighborhood.

Patricia Page, of 715 Shepherd Street, spoke in support of the historic district designation of Morehead Hill.

Nelson Cheers, of 1013 Lakewood Avenue, urged Council to approve Option 2 of the district outline that excludes her property.

Mayor Tennyson declared the public hearing closed.

Council Member Cheek spoke in support of this item, however, expressed concern about deleting individual properties from a proposed historic district.

A motion was made by Council Member Cheek seconded by Council Member Larson to approve Option 1.

Several Council Members expressed concern about deleting properties.

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Council Member Jacobs asked for clarification concerning the address of Dr. Lewis' property being listed for tax purposes as 502 Morehead Avenue but the address is 708 S. Duke Street.

Steve Cruse, of City/County Planning Department, noted a mistake was made in the tax records a number of years ago and his real address for his office is 708 S. Duke Street and the address along with city maps have been corrected.

Council Member Jacobs asked the President of the Neighborhood Association if there were any objections to either option or Option 2.

Steve Ritz, President of Morehead Hill Association, noted it is our preference that Option 1 would be passed by Council.

Blaine Butterworth spoke in support of Option 1 but could live with Option 2.

Council Member McKissick spoke in support of the original boundaries remaining in tact.

A substitute motion was made by Mayor Pro Tempore Clement seconded by Council Member Stith to adopt Option 2 (Removes two properties - 708 S. Duke Street and 1013 Lakewood Avenue).

Mayor Tennyson spoke in support of the original motion.

Mayor Pro Tempore Clement raised a concern as to why Dr. Lewis' objection by letter dated December 27, 2000 wasn't entered into the record before tonight.

Steven Cruse, of City/County Planning Department, made comments about the letter, the review by the Durham Historic Preservation Commission and the initial hearing in January. Also, he noted in February the Commission unanimously endorsed the boundaries as Council has them tonight.

**SUBSTITUTE MOTION** by Mayor Pro Tempore Clement seconded by Council Member Stith to receive citizens' comments on the Morehead Hill District Overlay Zone and the Draft Plan; and

To designate the Morehead Hill Historic District; and

To adopt the *Morehead Hill Historic District Preservation Plan*; and

To adopt an Ordinance Providing for the Designation of the Morehead Hill Neighborhood as a City of Durham Historic District - Option 2 [deleting 708 S. Duke Street and 1013 Lakewood Avenue] **FAILED** at 8:42 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Burnette, Edwards, Jacobs, Stith and Wagstaff. Noes: Mayor Tennyson and Council Members Cheek, Hill, Langley, Larson and McKissick. Absent: Council Member Blyth.

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**MOTION** by Council Member Cheek seconded by Council Member Larson to receive citizens' comments on the Morehead Hill District Overlay Zone and the Draft Plan; and

To designate the Morehead Hill Historic District; and

To adopt the *Morehead Hill Historic District Preservation Plan*; and

To adopt an Ordinance Providing for the Designation of the Morehead Hill Neighborhood as a City of Durham Historic District - Option 1 [deleting 1013 Lakewood Avenue] was approved at 8:42 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Cheek, Hill, Jacobs, Langley, Larson and McKissick. Noes: Mayor Pro Tempore Clement and Council Members Burnette, Edwards, Stith and Wagstaff. Absent: Council Member Blyth.

**Ordinance #12306**

**SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO JANUARY 1, 2001, PAGE ROAD BUSINESS PARK - FY 2001-22**

**a. Annexation**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to receive citizens' comments regarding the annexation of 49.21 acres located on the west side of Page Road just north of the intersection with Comstock Road, contiguous to the City Limits; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Page Road Business Park)" was approved at 8:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Ordinance #12299**

**b. Fire Services**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute an amendment to the existing half-base contract with Bethesda Volunteer Fire Department to provide supplemental fire protection to this area over a five-year period with the same terms and conditions as services are provided to other areas in such contracts was

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approved at 8:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO APRIL 1, 2001**

**a. Villages at Independence Park - 2001-24**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to receive citizens' comments regarding the annexation of 73.36 acres located on the east side of Danube Lane just north of Ben Franklin Boulevard, contiguous to the City Limits; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Villages at Independence Park)" was approved at 8:43 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Ordinance #12300**

**b. Ridgewood, III - 2001-25**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Vance Phillips, of 2008 Fletcher Chapel Road, spoke in opposition to the annexation noting traffic and school overcrowding concerns.

Mr. Phillips, of 2008 Fletcher Chapel Road, asked staff if the property is in the Falls Lake Watershed and are you allowed to build on the property if it's in the watershed.

Ruffin Hall, of Budget Office, replied yes that the property was in the Falls Jordan Basin.

Shelia Stains-Ramp, of City/County Planning, noted that certainly within the Falls/Jordan Watershed you are able to build under certain circumstances, noted property is within the protective area and there is some impervious surface limitation but there is no restriction on building per sa.

Mayor Tennyson declared the public hearing closed.

**1) Water and Sewer Extension Agreement - ED Associates, LLC**

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**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to enter into a Water and Sewer Extension Agreement to extend City water and sewer to serve Ridgewood III, a proposed 120 lot, 40 acre single family subdivision located on the west side of Fletchers Chapel Road was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**2) Annexation**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to receive citizens' comments regarding the annexation of 40.15 acres located on the west side of Fletchers Chapel Road across from the intersection of Jimmy Rogers Road and Fletchers Chapel Road, non-contiguous to the City Limits; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Ridgewood, III)" was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Ordinance #12301**

**3) Fire Service - Redwood Volunteer Fire Department**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute an amendment to the existing half-base contract with Redwood Volunteer Fire Department to provide supplemental fire protection to this area over a five-year period with the same terms and conditions as services are provided to other areas in such contracts was approved at 8:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**c. Herndon Road Tract/McKittrick - 2001-26**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**1) Annexation**

**MOTION** by Council Member Larson seconded by Council Member Stith to receive citizens' comments regarding the annexation of 23.98 acres located adjacent and to the south of the Lakehurst neighborhood and to the west and north of Fairfield off Herndon

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Road, contiguous to the City Limits; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Herndon Road Tract/McKittrick)" was approved at 8:48 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Ordinance #12302**

**2) Fire Service - Parkwood Volunteer Fire Department**

**MOTION** by Council Member Larson seconded by Council Member Stith to authorize the City Manager to execute an amendment to the existing half-base contract with Parkwood Volunteer Fire Department to provide supplemental fire protection to this area over a five-year period with the same terms and conditions as services are provided to other areas in such contracts was approved at 8:48 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**d. C.C. Woods Construction Company - 2001-27**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to receive citizens' comments regarding the annexation of 3.05 acres located off Industrial Drive southwest of the intersection of Industrial Drive and Hamlin Road, non-contiguous to the City Limits; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (C.C. Woods Construction Company)" was approved at 8:48 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Ordinance #12303**

**e. Westfield Development - 2001-28**

To receive citizens' comments regarding the annexation of 37.72 acres located on the north side of Scott King Road near the Grandale Road intersection, non-contiguous to the City Limits; and

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To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (C.C. Westfield Development)."

Ruffin Hall, of Budget Office, updated Council on the annexation.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Bob Jeffcoat, of 1103 Scott King Road, spoke in opposition to the annexation noting that annexing this small portion would cause confusion during an emergency as to who should be called for what protection and urged Council to permit the process of rezoning to go through the County government.

Ginny Dudek, of 1115 Scott King Road, spoke in opposition to the annexation expressing concerns with the proposed high density, the process when land use plans are not considered and traffic.

Lille Plumer, of 1106 Queensbury Circle, spoke in opposition to the annexation noting that it's County property and should be dealt with by the County Commissioners.

Mrs. Herbert L. Butler, of 829 Scott King Road, spoke in support of this annexation noting that she would like to sell her property.

John Schlickemayer, President of Westfield Homes, spoke in support of this annexation noting it's an opportunity for smart growth and a place that needs affordable housing.

Phillip Carpenter spoke in opposition to the annexation expressing a concern relative to the school, traffic, small area plan and Durham Open Space & Trails.

Ms. Foster, of 1105 Queensbury Circle, noted that she would like to see the land developed in an intelligent, environmentally and friendly manner that is consistent with the surrounding area and urged Council not annex this property.

Tad Gorenflow, of 1109 Queensbury Circle, spoke in opposition to the annexation noting that the development is totally out of character for the area being considered.

A citizen of Scott King Road spoke in support of annexation.

Larry Hall, Attorney for Westfield Homes, spoke in support of this annexation noting this is an opportunity for affordable housing and revenue for the City.

Mayor Tennyson declared the public hearing closed.

A motion was made by Council Member Larson seconded by Mayor Pro Tempore Clement to approve the annexation as printed on the agenda.

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Council Member McKissick noted that this item should be heard during the same time as the rezoning case.

Ruffin Hall, of Budget Office, discussed the two impacts of the delay making comments about the notification process and effective date of annexation.

A substitute motion was made by Council Member McKissick to hold this item until the August 6, 2001 City Council Meeting. The substitute motion dies for a lack of a second.

Council Member Stith disclosed that he lives on Grandale Road.

Several Council Members spoke in opposition to delaying the annexation.

Mayor Tennyson commented on the process and spoke in support of this matter.

**1) Annexation**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to receive citizens' comments regarding the annexation of 37.72 acres located on the north side of Scott King Road near the Grandale Road intersection, non-contiguous to the City Limits; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (C.C. Westfield Development)" was approved at 9:18 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: Council Members Burnette and Wagstaff. Absent: Council Member Blyth.

**Ordinance #12304**

**2) Fire Service - Parkwood Volunteer Fire Department**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute an amendment to the existing half-base contract with Parkwood Volunteer Fire Department to provide supplemental fire protection to this area over a five-year period with the same terms and conditions as services are provided to other areas in such contracts was approved at 9:18 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: Council Members Burnette and Wagstaff. Absent: Council Member Blyth.

**SUBJECT: ZONING CASE P00-55 - TRIAD HOMES, INC. - 678.10 ACRES  
SOUTH OF SHERRON ROAD AND NORTH OF US 70**

**June 4, 2001**

**Case:** P00-55--Continued from the April 2, 2001 City Council Meeting and the May 7, 2001 City Council Meeting

**Applicant:** Triad Homes, Inc.

**Location:** 678.10 acres south of Sherron Road and north of US 70 (City Atlas Page 39, C-3, and Page 40, A-3, B-2, B-3, B-4 and C-3)

**Request:** Rezoning from RD (Rural District) and R-20 (Residential 20) District to PDR 3.99 (Planned Density Residential with a maximum of 3.99 units per acre)

Zoning Committee's Recommendation and Vote: Denial - (7-0)

Planning Department's Recommendation: Approval

Dick Hails, of City/County Planning, briefed Council on the staff report noting the following: the applicant has volunteered to make traffic improvements as outlined in the Traffic Impact Analysis; commented on the issues mentioned in a letter distributed to Council by the applicant relative to housing demand, sidewalks/trails, the offer to make several intersection improvements above and beyond the recommendations from the TIA on the project (traffic signals); the donation of a 27-acre site in conjunction with the Durham Public Schools to address school overcrowding; the offer to mass grade 12 of the 14 pods for the proposed development, the vegetation, open space areas, fiscal impact analysis from the build out of the project.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

### **Proponents**

Attorney Jack Markham, representing the applicant, spoke in support of this rezoning commenting on the proposed use. He stated that Triad Homes has entered into an agreement with Durham Public Schools to donate a 27-acre tract of land for a school and in addition the applicant would be acquiring and dedicating the full right-of-way for the Northeast Parkway, south of Sherron Road through Village Creek, water & sewer would be extended through the entire length of Village Creek at a considerable expense to the developer and commented on the stream buffer. Also, Attorney Markham noted the applicant agreed to all off-site traffic improvements noted in the staff report.

Kathryn Meyers, School Board Member, confirmed that Triad Homes has offered a 27-acre site to the Durham Public Schools and this has never happened in Durham and they are very grateful for the offer which will be discussed by the School Board this Thursday.

### **Opponents**

Dale Brooks, 417 Hiddenbrook Drive, spoke in opposition to this rezoning. He distributed to Council a protest petition signed by 700 residents urging Council to reject this rezoning due to traffic, school overcapacity and mass grading on Lick Creek and stream concerns.

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Jim McDonald, 3818 Somerset Drive, urged Council to reconsider the protest petition and not simply dismiss it on procedural grounds, expressed a concern relative to fairness and urged Council to vote no on this item.

Milo Pyne, 806 Vickers Avenue, spoke in opposition urging Council to vote no to this rezoning because the Sherron Road project does not fit the land.

### **Rebuttal**

Jack Markham, representing the applicant, commented on the concerns expressed relative to the road being overburdened, mass grading and noted that Lick Creek Corridor will not be touched.

Mayor Tennyson declared the public hearing closed.

Council Member Hill disclosed that he owns property in a partnership on the south side of this property but does not have any financial interest in this matter.

Council Member Stith asked the applicant to discuss the traffic improvements to alleviate additional traffic caused by the development.

Al Williford, of Kimley-Horn & Associates, discussed the traffic impact analysis outlining the improvements.

Council Member Stith raised a concern relative to the intermittent stream buffers.

Harlan Britt, of Kimley-Horn & Associates, stated the developer is proposing: On those intermittent streams that require 100 foot wide stream buffers (that is 50 ft on either side of the creek), the developer would provide a supplemental buffer of 25 feet (12.5 on each side) of the creek. Also, he noted the one provision that will differentiate this supplemental buffer from the required buffer is that the developer would like to retain the ability to put this supplemental buffer into lots, it would remain undisturbed so that it could be contained within the lots and noted this is not currently on the development plan.

Council Member McKissick asked the City Attorney for clarification on why the protest petition was rejected.

City Attorney Henry Blinder noted that under the enabling authority, there are time limits for when protest petitions may be filed and the one for this case was filed after the deadline.

City Clerk D. Ann Gray informed Council that it was due March 26 and the City Clerk's Office received it on April 27, 2001.

Council Members McKissick and Wagstaff spoke in opposition to this rezoning.

Council Member Larson asked the developer about the impact on the

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bottomlands.

It was noted by a representative of the developer that the project proposes no land disturbance inside the floodplain.

Council Member Larson spoke in support of this proposal noting it would put people near their jobs (RTP).

A motion was made by Council Member Larson seconded by Mayor Pro Tempore Clement to approve the item as printed on the agenda.

Council Member Hill raised a concern relative to the "spine" -- the main road that comes in off of Sherron Road.

Tommy Craven, of Priest Craven & Associates, stated that there would be no direct drive-way access to any lot within Tracts 1, 2 or 5 to the "spine" road.

City Attorney Henry Blinder stated if the developer proposes to commit that no driveway access for the tracts identified, it would be appropriate as a note on the development plan rather than an oral statement.

Council Member Jacobs expressed mass grading concerns.

Jack Markham, representing the applicant, noted the commitment made by the developer to put in infrastructure and the mass grading would allow houses at the lower level.

Tommy Craven, Priest Craven & Associates, commented on the cost of the construction based on the foundation condition and sites that will and will not be mass graded.

Council Member Jacobs asked staff if there were violations of the Zoning Ordinance in the Southeast Durham Plan.

Dick Hails, of City/County Planning, made comments about the staff report and noted there were questions raised and the applicant had agreed to make some changes to address concerns and project is consistent with the Southeast Durham Plan.

Council Member Cheek made comments about the intersection at Mineral Springs & Sherron Road and asked the developer if it a state DOT project.

Al Williford, of Kimley-Horn & Associates, replied yes.

Council Member Cheek asked the developer if the mass grading could be limited to reduce the possibility of erosion and sedimentation.

Tommy Craven, Priest Craven & Associates, stated the developer would commit to imposing a mass grading limitation that no more than 50% of the tract area would be distributed at any one time for single-family Tracts 5, 9, 10 and 14.

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Council Member Cheek asked the developer about the school impact fee.

Jack Markham, representing the developer, noted the developer would not seek a credit against the impact fees that would be imposed for schools for the donation of the property to the Durham Public Schools.

Mayor Pro Tempore Clement spoke in support of this rezoning.

Several Council Members spoke in opposition to this rezoning.

Council had discussion on the intermittent stream buffers, school impact, mass grading, N E Parkway, S E Durham Plan, commercial center, environmental issues and school site donation.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD and R-20 and placing same in and establishing same as PDR 3.99 [with additional notes on the development plan relative to the supplemental buffer of 25 feet; no direct drive-way access to any lot within Tracts 1, 2, or 5 to the "spine" road; imposing mass grading limitation for single family Tracts 5, 9, 10 and 14; and not seeking a credit against the impact fees for schools] was approved at 11:17 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Hill, Jacobs, Langley, Larson and Stith. Noes: Council Members Burnette, Edwards, McKissick and Wagstaff. Absent: Council Member Blyth.

**SUBJECT: ZONING MATTER CASE P00-93 - ROBERT HAYWOOD - 2.86 ACRES  
ON THE WEST SIDE OF SHANNON ROAD**

Case: P00-93

Applicant: Robert Haywood

Location: 2.86 acres on the west side of Shannon Road (across from Durham County Library) (City Atlas Page 36, B-4)

Request: Rezoning from OI-1 (Transitional Office and Institutional District) to OI-2(D) (General Office and Institutional District with a Development Plan)

Zoning Committee's Recommendation and Vote: Approval - (7-0)

Planning Department's Recommendation: Approval

Dick Hails, of City/County Planning Department, briefed Council on the staff report.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

**Proponents**

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Taylor Blakely, representing applicant, spoke in support of this rezoning.

No one spoke in opposition to the rezoning.

Mayor Pro Tempore Clement declared the public hearing closed.

**MOTION** by Council Member Larson seconded by Council Member Stith to adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-1 and placing same in and establishing same as OI-2(D) was approved at 11:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: ZONING MATTER CASE P01-07 - CITY OF DURHAM - 104.95 ACRES ON THE SOUTHEAST CORNER OF THE INTERSECTION OF CHIN PAGE ROAD AND PAGE ROAD**

Case: P01-07 - Initial Zoning of Newly Annexed Territory (Tillet Development Company, Inc.)

Initiated by: City of Durham

Location: 104.95 acres on the southeast corner of the intersection of Chin Page Road and Page Road (City Atlas Page 53, A-2 and A-3)

Request: RD and R-20 - No change in existing zoning classification is proposed

Zoning Committee's Recommendation and Vote: Approval - (7-0)

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Cheek to adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish RD and R-20 zoning for the above described newly annexed territory was approved at 11:22 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: ZONING MATTER CASE P01-08 - CITY OF DURHAM - 11.6 ACRES EAST OF HIGHWAY 147 (DURHAM EXPRESSWAY) ON THE SOUTH SIDE OF ELLIS ROAD**

Case: P01-08 - Initial Zoning of Newly Annexed Territory (Enthalpy/Conner Properties)

**June 4, 2001**

Initiated by: City of Durham

Location: 11.6 acres east of Highway 147 (Durham Expressway) on the south side of Ellis Road (City Atlas Page 39, A-1)

Request: OI-2(D) - No change in existing zoning classification is proposed

Zoning Committee's Recommendation and Vote: Approval - (7-0)

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish OI-2(D) zoning for the above described newly annexed territory was approved at 11:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**SUBJECT: ZONING MATTER CASE P01-12 - CITY OF DURHAM - 26.9 ACRES ON THE NORTH SIDE OF CARPENTER ROAD, JUST EAST OF FERRELL ROAD**

Case: P01-12 - Initial Zoning of Newly Annexed Territory (Carpenter Pointe)

Initiated by: City of Durham

Location: 26.9 acres on the north side of Carpenter Road, just east of Ferrell Road (City Atlas Page 20, A-2)

Request: PDR-1.82 and RD; F/J-B - No change in existing zoning classification is proposed.

Zoning Committee's Recommendation and Vote: Approval - (7-0)

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance the same being Chapter 24 of the Durham City Code, to establish PDR-1.82 and RD; F/J-B zoning for the above described newly annexed territory was approved at 11:23 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

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**SUBJECT: ZONING MATTER CASE P01-13 - CITY OF DURHAM - 4.43 ACRES  
BETWEEN I-40 AND FARRINGTON ROAD, NORTH OF NC 54**

Case: P01-13 - Initial Zoning of Newly Annexed Territory  
(Carolina Crossings at Farrington Road)

Initiated by: City of Durham

Location: 4.43 acres between I-40 and Farrington Road, north of  
NC 54 (City Atlas Page 41, B-1 and B-2)

Request: R-20 and NC; F/J-B and MTC - No change in existing  
zoning classification is proposed.

Zoning Committee's Recommendation and Vote: Approval - (7-0)

Planning Department's Recommendation: Approval

As this was the time and place set for the public hearing, anyone  
interested was given the opportunity to be heard. There being no  
objections and/or allegations, the public hearing was declared  
closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs  
to adopt an ordinance amending the Zoning Ordinance the same being  
Chapter 24 of the Durham City Code, to establish R-20 and NC; F/J-  
B and MTC zoning for the above described newly annexed territory  
was approved at 11:24 p.m. by the following vote: Ayes: Mayor  
Tennyson, Mayor Pro Tempore Clement and Council Members Burnette,  
Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith  
and Wagstaff. Noes: None. Absent: Council Member Blyth.

**[OTHER MATTERS]**

**SUBJECT: CORCORAN STREET REALIGNMENT**

**MOTION** by Council Member Larson seconded by Council Member  
Wagstaff to receive a report from the Administration concerning  
Corcoran Street realignment was approved at 11:24 p.m. by the  
following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement  
and Council Members Burnette, Cheek, Edwards, Hill, Jacobs,  
Langley, Larson, McKissick, Stith and Wagstaff. Noes: None.  
Absent: Council Member Blyth.

**SUBJECT: ORDINANCE AMENDING ORDINANCE 10994 REGARDING A TECHNICAL  
CORRECTION TO THE AUDUBON PARK ANNEXATION LEGAL  
DESCRIPTION**

**MOTION** by Council Member Larson seconded by Council Member Stith  
to adopt "An Ordinance Amending Ordinance 10994 Regarding  
Annexation of Audubon Park"--a correction to the legal description  
to the Audubon Park annexation area consistent with NCGS 160A-58  
was approved at 11:24 p.m. by the following vote: Ayes: Mayor  
Tennyson, Mayor Pro Tempore Clement and Council Members Burnette,  
Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith  
and Wagstaff. Noes: None. Absent: Council Member Blyth.

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**Ordinance #12305**

**SUBJECT: RESOLUTION SETTING A COUNCIL-INITIATED PUBLIC HEARING ON MONDAY JUNE 18, 2001 TO CONSIDER A PROPOSED AMENDMENT TO THE DURHAM ZONING ORDINANCE CONCERNING DEFINITIONS OF PUBLIC AND PRIVATE SCHOOLS**

Dick Hails, of City/County Planning, briefed Council on the lawsuit filed against the City concerning this item.

**MOTION** by Council Member Larson seconded by Council Member Stith to adopt "A Resolution Setting a Public Hearing to Consider a Proposed Amendment to the Durham Zoning Ordinance Concerning Definitions of Public and Private Schools" was approved at 11:25 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

**Resolution #8775**

**SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DURHAM REGARDING POSITIONS PROPOSED TO BE DELETED IN THE FY 2001-02 BUDGET**

To adopt a "Resolution of the City Council of the City of Durham Regarding Positions Proposed to be Deleted in the FY 2001-02 Budget"

**Note: This item was removed from the agenda at the May 31, 2001 Committee of the Whole Meeting.**

**[ITEM PULLED FROM CONSENT AGENDA]**

**SUBJECT: REPORT FROM THE COUNCIL PROCEDURES SUBCOMMITTEE**

Council Member McKissick spoke in opposition to this item.

City Attorney Henry Blinder noted a technical clarification to the second motion: it should read (II. N. Censuring Members) instead of (N. Censuring Members)

**MOTION** by Council Member Larson seconded by Council Member Jacobs to receive a report from the Council Procedures Subcommittee; and

To approve an addition (II. N. Censuring Members) to the City Council Rules of Procedure regarding conduct of Council Members as shown below was approved at 11:28 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Hill, Jacobs, Langley, Larson and Stith. Noes: Council Members Burnette, Edwards, McKissick and Wagstaff. Absent: Council Member Blyth.

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N. Censuring Members.

A member of Council may be censured for extreme or outrageous conduct in making a deliberate and intentional violation of these rules. If the violation occurs at a public meeting, a prerequisite to censure shall be that the member has first been ruled out of order under Section II.G.6) and the conduct continues after such ruling. Censure shall not take place at that meeting; rather, a Council member wishing to add a motion to censure another member shall contact the Manager's office in time to have the matter added to the printed agenda of the next meeting of the Committee-of-the-Whole for discussion. The Council member charged with the violation shall have the right to be heard prior to any decision by Council on the matter. If Council finds that a violation warranting censure has occurred, Council may adopt a motion of censure which shall be placed as a matter of record in the minutes of the meeting. Censure shall only take place at a regular or special meeting of Council and shall require at least nine affirmative votes, a quorum being present.

The regular meeting of the Durham City Council adjourned into closed session at 11:29 p.m.

**[OPEN SESSION - 11:59 p.m.]**

**SUBJECT: EMPLOYMENT AGREEMENT WITH CITY MANAGER MARCIA L. CONNER**

**MOTION** by Council Member Larson seconded by Council Member Stith to authorize Mayor Tennyson to execute an Employment Agreement with City Manager Marcia L. Conner striking the clause discussed was approved at 11:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: Council Member Blyth.

There being no further business to come before the City Council, the meeting was adjourned at 11:59 p.m.

Linda E. Bratcher  
Deputy City Clerk

D. Ann Gray, CMC  
City Clerk